

AGENDA MEMO

CITY COUNCIL MEETING DATE: FEBRUARY 7, 2007

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: ABEYANCE - ROC-18341 - APPLICANT/OWNER: WAGNER HOMES, INC.

THIS ITEM WAS HELD IN ABEYANCE FROM THE JANUARY 17, 2007 CITY COUNCIL MEETING AT THE REQUEST OF COUNCILMAN BROWN.

**** CONDITIONS ****

STAFF RECOMMENDATION: DENIAL. If Approved, subject to:

Planning and Development

1. Condition Number 11 of Site Development Plan Review (SDR-2418) shall be removed.
2. Conformance to all other conditions of approval of Site Development Plan Review (SDR-2418) and all other subsequent related actions as required by the Planning and Development Department and the Public Works Department.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Review of Condition Number 11 of an approved Site Development Plan Review (SDR-2418) to remove the condition “that required any property line wall shall be a decorative block wall, with at least 20 percent contrasting materials. Wall heights shall be measured from the side of the fence with the least vertical exposure above the finished grade unless otherwise stipulated. All perimeter walls, including a combination of retaining and screen walls, shall not exceed eight feet in height, measured from the base of the retaining wall, without the appropriate stepbacks” for an approved residential subdivision on 10.80 acres adjacent to the southeast corner of Alexander Road and Fort Apache Road.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
08/06/03	The City Council approved a Rezoning (ZON-2415) from U (Undeveloped) [L (Low Density Residential) General Plan Designation] to R-PD5 (Residential Planned Development - 5 Units Per Acre); and a Site Development Plan Review (SDR-2418) for a 57-lot single family residential development. The Planning Commission and staff recommended approval on 06/26/03.
10/23/03	The Planning Commission approved a Tentative Map (TMP-3068) for a 57 lot single family residential subdivision on 8.01 acres. Staff recommended approval of the request.
01/11/07	The Planning Commission will consider a Variance (VAR-18345) to allow a 13.9 foot high perimeter wall where 12 feet is the maximum height allowed for an approved 57-lot single family residential development on 0.36 acres adjacent to the southeast corner and southwest corner of Alexander Road and Campbell Road. Staff is recommending denial of the subject case.
<i>Related Building Permits/Business Licenses</i>	
08/17/04	A Final Map (FMP-4426) for a 57-lot single family residential subdivision was finalized on 08/17/04.
07/26/06	A building permit (70030) was issued for a four-foot retaining wall and a six-foot block wall on the indicated date.
09/21/06	Civil Improvement Plans (CIVIL-13221) for a 57-lot single family residential subdivision was finalized on 09/21/06.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	8.01

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Single Family Dwellings	L (Low Density Residential)	R-PD5 (Residential Planned Development – 5 Units per Acre)
North	Single Family Dwellings	DR (Desert Rural Density Residential)	R-PD2 (Residential Planned Development – 2 Units per Acre)
South	Single Family Dwellings/Garehime Heights Park	ML (Medium Low Density Residential)/PR-OS (Parks/Recreation/Open Space)	C-V (Civic)/R-CL (Residential Compact-Lot)
East	Single Family Dwellings	ML (Medium Low Density Residential)	R-PD6 (Residential Planned Development – 6 Units per Acre)
West	Single Family Dwellings	ML (Medium Low Density Residential)	R-1 (Single Family Residential)/R-CL (Residential Compact-Lot)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan		X	
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts		X	
Trails		X	
Rural Preservation Overlay District		X	
Development Impact Notification Assessment		X	
Project of Regional Significance		X	

ANALYSIS

The purpose of the Review of Condition is to remove Condition Number 11 from Site Development Plan Review (SDR-2418). The removal of this condition will allow the applicant to apply for a Variance (VAR-18345), to allow a 13.9 foot high perimeter wall where 12 feet is the maximum height allowed. The Variance will be heard by the Planning Commission on 01/11/07. The majority of the wall has been constructed, but a portion of the wall is under construction. The wall is being constructed around the perimeter of the project. The wall begins near Fort Apache Drive and extends along the entire frontage of Alexander Drive, and terminates at Campbell Road on the east side of the project. The applicant received permits for a six-foot wall with a four-foot retaining wall on 08/03/06. There are no permits 13.9-foot wall which is currently under construction.

FINDINGS

The applicant is constructing a 13.9-foot wall without proper permits. The subject Review of Condition cannot be supported since the applicant has not received proper permits. Staff cannot support the removal of the condition since the proposed deviation exceeds Title 19 standards.

<u>NEIGHBORHOOD ASSOCIATIONS NOTIFIED</u>	N/A
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<u>ASSEMBLY DISTRICT</u>	N/A
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<u>SENATE DISTRICT</u>	N/A
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<u>NOTICES MAILED</u>	360
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<u>APPROVALS</u>	0
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<u>PROTESTS</u>	0
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